

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
 JAMES FORTUNE, :  
 :  
 Plaintiff, :  
 :  
 -against- :  
 :  
 HYATT CORPORATION, :  
 :  
 :  
 Defendants :  
 -----X

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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 10/08/2021

**19 Civ. 7239 (VM)**  
**CONDITIONAL**  
**ORDER OF DISCONTINUANCE**  
**WITHOUT PREJUDICE**

**VICTOR MARRERO, U.S.D.J.:**

Magistrate Judge Netburn, to whom this case was referred for a report and recommendation on the various summary judgment motions and a settlement conference, having informed the Court that the parties had reached an agreement in principle to settle this action without further litigation, it is hereby

**ORDERED**, that this action be conditionally discontinued without prejudice and without costs. Within 30 days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Any application for restoration of the action to the active calendar of this Court must be made by letter within 30 days of the date of this order. Upon such notification, the defendant(s) shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within 10 days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall

be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The Clerk of Court is respectfully requested to terminate any pending motions and to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
08 October 2021



Victor Marrero  
U.S.D.J.